

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 05-04.2
)	
IMATA & ASSOCIATES, INC. and)	
Gordon Imata,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around February 2005, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, Imata & Associates, Inc. and Gordon Imata ("Imata"). Business Registration Division records lists Imata's purpose as civil engineering and land surveying, whose business address is 171 Kapiolani Street, Hilo, Hawaii. Business registration records list Gordon Y. Imata as president and David T. Imata, Clyde K. Matsunaga and Ray K. Nakamura as vice-president, secretary and treasurer respectively. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Imata and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or

corrective action taken by Respondents pursuant to section 11-216(g),
HRS.

- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 - 1. On or around February 2005, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the following candidate campaign committees:

Arnold Morgado ("Morgado"),
Ben Cayetano ("Cayetano"),
Jeremy Harris ("Harris"),
Kimo Apana ("Apana"), and
Fred Holshuh ("Holshuh")

initiated an investigation involving excess contributions in violation of particular campaign finance statutes.
 - 2. Section 11-204(a)(1)(B), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year statewide office or to the

candidate's committee in an aggregate amount greater than \$6,000 during an election period.

3. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.

4. Section 11-202, HRS, reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.

5. The Commission finds that Imata made contributions to Morgado in the amount of \$5,000 through the following persons:

Norman Nishiki	4/1996	\$2,000
Marilyn Yamamoto	4/1996	\$1,000
Janice Mahuna	7/1996	\$2,000.

6. The Commission finds that Imata made contributions to Cayetano in the amount of \$17,200 through the following persons:

Susan Imata	2/1996	\$ 500
David Imata	2/1996	\$ 500
Susan Imata	5/1997	\$1,000
David Imata	5/1997	\$1,000
Norman Nishiki	5/1997	\$2,000
Norman Nishiki	10/1998	\$1,000

Albert Flynn	5/1997	\$2,000
Ray Nakamura	5/2001	\$2,000
Clyde Matsunaga	6/2001	\$2,000 and

Imata & Associates made the following contributions:

Imata	6/1997	\$1,000
Imata	12/1997	\$1,000
Imata	12/1997	\$2,000
Imata	7/1998	\$ 200
Imata	7/1998	\$ 500
Imata	10/1998	\$ 500

7. The Commission finds that Imata made contributions to Harris in the amount of \$10,900 through the following individuals:

Norman Nishiki	9/1996	\$ 900
Norman Nishiki	9/2000	\$2,000
Marilyn Yamamoto	9/2000	\$1,000
Janice Mahuna	9/2000	\$1,200
Albert Flynn	9/2000	\$1,800 and

Imata and Associates made the following contributions:

Imata	6/1999	\$2,000
Imata	5/1999	\$ 300
Imata	9/2000	\$1,700.

8. The Commission finds that Imata made contributions to Apana in the amount of \$4,000 through the following individuals:

Clyde Matsunaga	6/2001	\$2,000
Ray Nakamura	6/2001	\$2,000.

9. The Commission finds that Imata made contributions to Holshuh in the amount of \$1,000 through the following individuals:

Clyde Matsunaga	6/2000	\$ 500
Ray Nakamura	6/2000	\$ 500.

10. That Imata did not file an organizational report pursuant to section 11-194, HRS.

11. That Imata did not file disclosure reports pursuant to sections 11-212 and 11-213, HRS.
12. That Imata did not file contractor reports pursuant to section 11-205.5, HRS.
13. That in December 2002 Imata agreed to an administrative fine of \$500 (Conciliation Agreement 02-37) to settle claims for an excess contribution to the Cayetano campaign committee.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #05-04.2, Imata understands and agrees to the following:

(A) Imata agrees to an assessment of **Fifty-five Thousand Dollars (\$55,000)** pursuant to section 11-228, HRS.

- (1) For violation of section 11-202, HRS, making false name campaign contributions to the candidate committees of Morgado, Cayetano, Harris, Apana, and Holshuh;
- (2) For violation of section 11-204, HRS, making excess campaign contributions to the candidate committees of Morgado, Cayetano and Harris; and
- (3) For failure to file an organizational report and required disclosure and contractor reports, pursuant to sections 11-194, 11-212, 11-213 and 11-205.5, HRS.

(B) Imata agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.

(C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission and Imata on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.

XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

CA 05-04.2
Imata & Associates

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

BY THE RESPONDENTS:

Imata & Associates, Inc.

By: _____

Date: _____

Name
Title

Gordon Imata

By: _____

Date: _____